

Congress of the United States

Washington, DC 20515

October 8, 2002

The Honorable Tommy G. Thompson
Secretary, Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Thompson:

We are writing to request additional information related to reports that the Bush Administration is eliminating scientific advisory groups, committees and task forces or replacing the membership of the advisory groups, committees or task forces in order to ensure that the scientific advice provided conformed with Administration policy. We also request information on reports that the National Institutes of Environmental Health Sciences (NIEHS) has recently entered into a funding agreement with the American Chemistry Council (ACC, which, according to its website, represents the leading companies engaged in the business of chemistry).

In particular, we are disturbed by reports that the Centers for Disease Control (CDC) Advisory Committee on Childhood Lead Poisoning Prevention, which makes recommendations to the CDC National Center for Environmental Health (NCEH) regarding case management of children with lead poisoning, has replaced many of its panel members with individuals who are affiliated or openly sympathetic with the views of the lead industry.

For example, we have been informed that Dr. Michael Weitzman of the University of Rochester, an expert on the effects of childhood lead poisoning and long-time panel member, was not reappointed to the panel as expected when his term ended. In addition, the nomination of Dr. Bruce Lanphear, a renowned expert who has conducted numerous epidemiologic studies of lead-contaminated house dust and residential soil, was rejected. One of the individuals reportedly recently named to the panel in these academics' place was William Banner Jr., who has been hired by lead paint manufacturers to testify as an expert witness against families suffering from the debilitating effects of lead, including the ongoing case in Rhode Island. Since a key issue for this advisory committee is whether low-dose exposure to lead will adversely affect childhood development, we are concerned that noted and objective academic experts are being replaced by individuals who appear to have financial conflicts of interest that could prevent them from providing advice that will lead to the most protective health standards for our children, as well as the most rigorous health standards for Superfund site clean-up.

We are also concerned about a recent collaboration initiated in July 2001 by the American Chemistry Council (ACC) and the National Institutes of Environmental Health Sciences (NIEHS). This reportedly involves a joint NIEHS-ACC research program funded with \$3 million of public NIEHS funding and \$1 million of private ACC funds, and whose purpose would be to study the effects of chemical exposure on human reproduction and development. We have heard disturbing reports that ACC may have been involved in reviewing the grant applications for this research program, which, if true, raises the concerns that: 1) ACC could

have steered the funds towards researchers who they expected would provide an industry-friendly result, and 2) that ACC might obtain access to researchers' preliminary data, theses and research plans, which could provide ACC companies with advance information related to research results that adversely impacted their businesses.

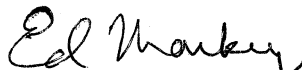
We are deeply disturbed by these reports and request that you promptly provide us with the following information:

- 1) The names of all panel members and those currently nominated to be panel members of the CDC Advisory Committee on Childhood Lead Poisoning Prevention, including their a) resumes, b) a list of the sources of funding each panelist has, including past and current sources of research funds, consulting arrangements, and financial or other affiliations (i.e. advisory positions, Board memberships, etc.) with entities who have a financial interest in matters related to lead and c) a list of relevant publications demonstrating their technical expertise. Please also provide copies of all correspondence (including emails, letters, faxes, and notes of telephone calls) related to decisions to nominate, reject nominations, or renew nominations to this Advisory Committee.
- 2) The reason why Dr. Weitzman was reportedly not reappointed as expected to the CDC Advisory Committee on Childhood Lead Poisoning Prevention, and the reason why the nominations of Dr. Lanphear and Dr. Susan Klitzman were rejected.
- 3) For each individual recently nominated to the panel, how the proposed nominee's background was reviewed to ensure the appointment of the individual would comply with all applicable statutes, regulations and guidelines related to conflicts of interest. Please provide all documentation.
- 4) The statutory authority under which NIEHS entered into the agreement with the ACC, the conditions, if any, that this statutory authority required be met in order to enter into the agreement, and all documentation establishing that these conditions were met prior to the date the agreement took effect. In the event that any of the conditions were not met, please fully explain why not.
- 5) Please describe all the functions performed by ACC (and ACC personnel) under this agreement. For each function, please provide documentation used to establish that the function is in compliance with all applicable statutes, regulations and guidelines related to conflicts of interest, as well as participation by non-government entities in the management of government programs and awarding of government funds.
- 6) Please fully describe the manner in which the applications for the research program funded by the NIEHS-ACC agreement were reviewed, including a complete description of each stage in the review process from the point at which grant applications were received to the point at which they were awarded. Please also provide the names, professional affiliations, and a list of the sources of funding, including past and current sources of research funds, consulting arrangements, and financial or other affiliations (i.e. advisory positions, Board memberships, etc.) with entities (including trade associations) who have a financial interest in matters related to chemical manufacturing, of all panel members who are, or have ever, reviewed applications for the research program funded by the NIEHS-ACC agreement.

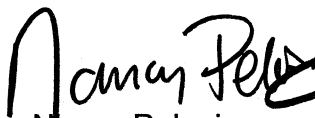
- 7) Please list all applicants for funds under the NIEHS-ACC agreement, including the names of principal investigators, their professional affiliations, the titles and abstracts of their proposals, and the amount of funds received, if any.
- 8) Please provide copies of all written (including email and fax) critiques of the applications for funds under the NIEHS-ACC agreement that were written by members of the review panel(s) charged with evaluating them.

Thank you very much for your attention to this important matter. Please provide your response no later than close of business on Friday October 25. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff (Rep. Markey's staff) at 202-225-2836.

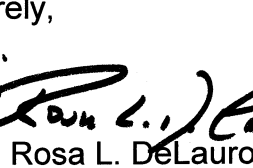
Sincerely,



Edward J. Markey



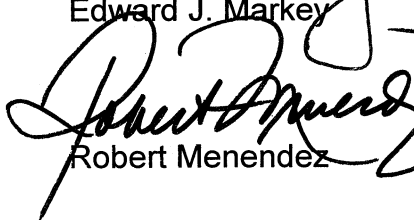
Nancy Pelosi



Rosa L. DeLauro



Henry A. Waxman



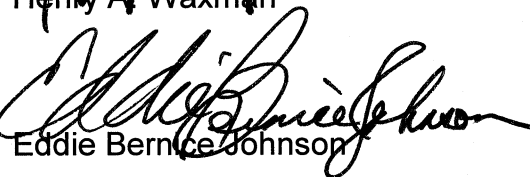
Robert Menendez



Earl Blumenauer



Hilda L. Solis



Eddie Bernice Johnson